

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ROBYN RENEE ESSEX,

Plaintiff,

and

BENJAMIN D. CRAIG,

Intervenor-Plaintiff,

LARRY WINN, III,

Intervenor-Plaintiff,

FRANK BEER,

Intervenor-Plaintiff,

WILLIAM ROY, JR.,

Intervenor-Plaintiff,

PAUL T. DAVIS,

Intervenor-Plaintiff,

**KANSAS SENATOR THOMAS C.
OWENS,**

Intervenor-Plaintiff,

CIVIL ACTION

Case No. 12-CV-04046-KHV-DJW

JOHN E. HENDERSON,

Intervenor-Plaintiff,

BERNIE SHANER,

Intervenor-Plaintiff,

RON WIMMER,

Intervenor-Plaintiff,

WALTER T. BERRY,

Intervenor-Plaintiff,

LYNN NICHOLS,

Intervenor-Plaintiff,

KEVIN YODER,

Intervenor-Plaintiff,

MAREARL DENNING,

Intervenor-Plaintiff,

JEFF KING,

Intervenor-Plaintiff,

STEVE ABRAMS,

Intervenor-Plaintiff,

MARY PILCHER-COOK,
Kansas State Senator

Intervenor-Plaintiff,

GREGG PHILIP SNELL

Intervenor-Plaintiff

CARRI PERSON

Intervenor-Plaintiff

V.

KRIS W. KOBACH,
Kansas Secretary of State

Defendant.

ANSWER OF DEFENDANT KRIS W. KOBACH TO INTERVENOR CROW

COMES NOW, Defendant Kris W. Kobach in his official capacity as Kansas Secretary of State (the “Defendant”), by and through counsel himself and Ryan A. Kriegshauser and for his Answer to the intervenor complaint of Martha E. Crow, and states the following to the best of present knowledge and belief:

Intervenor-Plaintiff Crow

Jurisdiction

1. Paragraph 1 of the Complaint by Plaintiff Crow states a legal conclusion to which

no response is required. The Defendant admits this Court has jurisdiction.

Parties

2. Defendant admits that Plaintiff Crow is a registered voter as stated in Paragraph 2 of the Complaint by Plaintiff Crow.

3. Defendant admits that Plaintiff Crow is registered to vote in the 2nd Congressional District.

4. Paragraph 4 of the Complaint by Plaintiff Crow state legal conclusions to which no response is required.

5. The allegations in Paragraph 5 of the Complaint by Plaintiff Crow are admitted.

Statement of Facts

6. The allegations in Paragraph 6 of the Complaint by Plaintiff Crow are admitted.

7. The allegations in Paragraph 7 of the Complaint by Plaintiff Crow are admitted.

8. The allegations in Paragraph 8 of the Complaint by Plaintiff Crow are admitted.

9. The allegations in Paragraph 9 of the Complaint by Plaintiff Crow state legal conclusions to which no response is required.

10. The allegations in Paragraph 10 of the Complaint by Plaintiff Crow state legal conclusions to which no response is required.

11. It is admitted that the legislature has before failed to enact proper redistricting maps.

12. The allegations in paragraph 15 of the Complaint by Plaintiff Crow state a legal conclusion to which no response is required. It is admitted that the Kansas Legislature has failed and neglected to reapportion the congressional, state legislative, and State Board of Education districts in the State of Kansas this session.

Count I

Congressional Unequal Apportionment

13. The allegations in Paragraph 13 of the Complaint by Plaintiff Crow state legal conclusions to which no response is required.

14. The text of the Constitution speaks for itself. The remaining allegations in paragraph 15 of the Complaint by Plaintiff Crow state legal conclusions to which no response is required.

15. The allegations in Paragraph 15 of the Complaint by Plaintiff Crow state legal conclusions to which no response is required.

16. The allegations in Paragraph 16 of the Complaint by Plaintiff Crow state legal conclusions to which no response is required.

All allegations not specifically and expressly admitted herein are hereby denied.

WHEREFORE, Defendant respectfully asks this Court for the following relief:

1. The Court, through its three judge panel, issue a permanent injunction and judgment decreeing that the plan of legislative apportionment established in 2002 by the Kansas Legislature in Chapter 4 of the Kansas Statutes may not hereafter be used as a valid plan of legislative apportionment, congressional apportionment, and State Board of Education apportionment.

2. The Court issue an order including a valid plan of legislative apportionment, congressional apportionment, and State Board of Education apportionment based on maps introduced in the Kansas legislature. Alternatively, Defendant stands ready to submit valid plans

of legislative apportionment, congressional apportionment, and State Board of Education apportionment for the Court's consideration and issuance.

Respectfully submitted,

**OFFICE OF THE KANSAS
SECRETARY OF STATE**

By: /s/ Ryan A. Kriegshauser
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Kris W. Kobach, Kan. Bar No. 17280
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on counsel for Plaintiff via the Court's Electronic Filing System, this 23rd day of May, 2012.

/s/ Ryan A. Kriegshauser
Attorney for the Defendant